

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Martin J Viale
Donna M. Viale
Debtor(s)

Bankruptcy Case No.: 19-23752-GLT
Issued Per 11/18/2019 Proceeding
Chapter: 13
Docket No.: 39 - 28
Concil. Conf.: April 9, 2020 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 23, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 9, 2020 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 3 of US Bank and Claim No. 2 of PA Revenue .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid.

IRS Secured portion to be paid at statutory rate.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: November 21, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Martin J Viale
 Donna M. Viale
 Debtors

Case No. 19-23752-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 62

Date Rcvd: Nov 21, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2019.

db/jdb
 cr +Martin J Viale, Donna M. Viale, 30 Ashley Road, Gibsonia, PA 15044-7836
 +Bayview Loan Servicing, LLC, ALDRIDGE PITE, LLP, 4375 Jutland Drive, Suite 200,
 P.O. Box 17933, San Diego, CA 92177-7921
 cr +Citibank, N.A., as Trustee for CMLTI Asset Trust, PADGETT LAW GROUP,
 c/o Christopher Giacinto, Esq., 6267 Old Water Oak Road, Suite 203,
 Tallahassee, FL 32312-3858
 cr +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place,
 Mezzanine Level, Pittsburgh, PA 15222-4227
 cr +Lehman XS Trust Mortgage Pass-Through Certificates, RAS Crane, LLC,
 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461
 15128756 +Advantage Asset, 3722 Southwest Freeway, Houston, TX 77027
 15128757 American Express, PO Box 1270, Newark, NJ 07101-1270
 15156809 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 15128759 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886)
 15128760 +Bank of America Home Loans, PO Box 15222, Wilmington, DE 19886-5222
 15128762 Bernstein Law Firm, ATTN: Shawn P. McClure, Gulf Tower, Suite 2200, Pittsburgh, PA 15219
 15128774 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Home Depot Credit Services, Processing Center,
 Des Moines, IA 50364-0500)
 15128764 +Citibank/Staples, 701 East 60th Street North, Sioux Falls, SD 57104-0493
 15128765 David W. Raphael, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor,
 Pittsburgh, PA 15222
 15128766 +Deer Lakes SD and Township, c/o Jordan Tax Service, 102 Rahway Road,
 Canonsburg, PA 15317-3349
 15128768 +Duquesne Light Company, Payment Processing Center, PO Box 67, Pittsburgh, PA 15267-0067
 15128770 +Fifth Third Bank, PO Box 740789, Cincinnati, OH 45274-0789
 15128776 +Investment Property Services, Inc., 30 Ashley Road, Gibsonia, PA 15044-7836
 15128778 +John K. Weinstein, Allegheny County Treasurer, PO Box 643385, Pittsburgh, PA 15264-3385
 15128780 +Kwiatkowski Plumbing, PO Box 10942, Pittsburgh, PA 15236-0942
 15128782 +M. Viale Contracting, Inc., 30 Ashley Road, Gibsonia, PA 15044-7836
 15128783 +Macy's, PO Box 8118, Mason, OH 45040-8118
 15128784 +Mark Heidenreich, CPA, 6125 Penn Drive, Butler, PA 16002-0403
 15137864 +Mark W. Heidenreich, CPA, c/o Mark W. Heidenreich & Co. LLC, 6125 Penn Drive,
 Butler, PA 16002-0403
 15128786 +McClure Johnston Company, 201 Corey Avenue, Braddock, PA 15104-1397
 15128787 +Miller, Limbaugh & Conley, 4767 William Flynn Highway, Allison Park, PA 15101-2456
 15128788 +Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
 15128790 +PA Department of Revenue, Bureau of Compliance - Lien Section, PO Box 280948,
 Harrisburg, PA 17128-0948
 15128794 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 15128793 +PNC Bank, PO Box 856177, Louisville, KY 40285-6177
 15128792 Phelan Hallinan, LLP, 1617 JFK Blvd., Suite 1400, One Penn Center Plaza,
 Philadelphia, PA 19103
 15148941 +The Huntington National Bank, c/o Christopher J. Niekamp, 23 S. Main St. Third Floor,
 Akron, OH 44308-1818
 15128799 +Township of West Deer, c/o Jordan Tax Service, 102 Rahway Road, McMurray, PA 15317-3349
 15128800 +U.S. Attorneys Office, Western District of PA, 4000 U.S. Post Office & Courthouse,
 700 Grant Street, Pittsburgh, PA 15219-1906
 15128801 +U.S. Bank N.A., c/o Nationstar Mortgage LLC dba Mr Coope, PO Box 619096,
 Dallas, TX 75261-9096
 15147262 +U.S. Bank National Association, ATTN: Bankruptcy Dept, PO Box 619096,
 Dallas TX 75261-9096
 15128802 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15128769 +eCast Settlement Corporation, PO Box 29262, New York, NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: kburkley@bernsteinlaw.com Nov 22 2019 03:35:01 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 22 2019 04:10:44
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15128758 +E-mail/Text: bncmail@w-legal.com Nov 22 2019 03:34:49 Azurea I, LLC,
 c/o Weinstein, Pinson & Riley, PS, 2001 Western Avenue, Suite 400, Seattle, WA 98121-3132
 15128761 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Nov 22 2019 03:34:51
 Bayview Loan Servicing, 4425 Ponce de Leon Blvd, 5th Floor, Miami, FL 33146-1837
 15128763 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 22 2019 03:36:57 Capital One,
 PO Box 71083, Charlotte, NC 28272-1083
 15151806 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 22 2019 03:36:57
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 62

Date Rcvd: Nov 21, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15128771 E-mail/Text: bankruptcynotice@fcbanking.com Nov 22 2019 03:33:47 First Commonwealth Bank,
PO Box 400, Indiana, PA 15701
15128772 +E-mail/Text: fnb.bk@fnfg.com Nov 22 2019 03:34:47 First Niagra Bank, PO Box 514,
Lockport, NY 14095-0514
15128773 +E-mail/PDF: gecsed@recoverycorp.com Nov 22 2019 03:36:24 GE Capital Retail Bank,
PO Box 985033, Orlando, FL 32896-0001
15128775 +E-mail/Text: bankruptcy@huntington.com Nov 22 2019 03:34:23 Huntington National Bank,
2361 Morse Road, Columbus, OH 43229-5891
15128777 E-mail/Text: cio.bncmail@irs.gov Nov 22 2019 03:33:56 IRS, PO Box 7346,
Philadelphia, PA 19101-7346
15128779 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Nov 22 2019 03:34:37 KeyBank, N.A.,
4910 Tiedeman Road, Brooklyn, OH 44144-2338
15128781 +E-mail/PDF: gecsed@recoverycorp.com Nov 22 2019 03:37:29 Lowe's, PO Box 530914,
Atlanta, GA 30353-0914
15128785 +E-mail/Text: bknotices@mbandw.com Nov 22 2019 03:34:47 McCarthy Burgess & Wolff,
26000 Cannon Road, Bedford, OH 44146-1807
15152153 E-mail/PDF: pa_dc_claims@navient.com Nov 22 2019 03:36:32 NAVIENT PC TRUST,
C/O Navient Solutions, LLC., PO BOX 9640, Wilkes-Barre, PA 18773-9640
15128789 E-mail/PDF: pa_dc_claims@navient.com Nov 22 2019 03:37:40 Navient, PO Box 9640,
Wilkes Barre, PA 18773-9640
15128791 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 22 2019 03:34:18 PA Department of Revenue,
Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
15128795 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 22 2019 03:36:30
Portfolio Recovery Associates, POB 12914, Norfolk, VA 23541
15147174 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 22 2019 03:34:18
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946
15128798 +E-mail/Text: bkteam@selenefinance.com Nov 22 2019 03:33:53 SRMOF II 2011-1 Trust,
c/o Selen Finance, LP, Attn: Bankruptcy dept, 9990 Richmond Avneue Suite 400,
South Houston, TX 77042-4546
15128796 +E-mail/PDF: pa_dc_claims@navient.com Nov 22 2019 03:36:31 Sallie Mae, 1002 Arthur Drive,
Lynn Haven, FL 32444-1683
15128797 +E-mail/Text: bkteam@selenefinance.com Nov 22 2019 03:33:53 Selene Finance, PO Box 422039,
Houston, TX 77242-4239
15130236 +E-mail/PDF: gecsed@recoverycorp.com Nov 22 2019 03:36:24 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15128803 +E-mail/PDF: gecsed@recoverycorp.com Nov 22 2019 03:37:29 Wal-Mart Discover,
PO Box 960024, Orlando, FL 32896-0024

TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr THE HUNTINGTON NATIONAL BANK
15128767 Dell Preferred Account, Payment Processing Center, PO Box 6403

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 23, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2019 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
Brian C. Thompson on behalf of Debtor Martin J Viale bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com/mgillespie@thompsonattorney.com/bthompson@ecf.courtdrive.com/jgorze@t
hompsonattorney.com/mswenson@thompsonattorney.com

District/off: 0315-2

User: dbas
Form ID: 149

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Brian C. Thompson on behalf of Joint Debtor Donna M. Viale bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t
hompsonattorney.com;mswenson@thompsonattorney.com
James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Wade T. Doerr on behalf of Creditor THE HUNTINGTON NATIONAL BANK wade@nwm-law.com
TOTAL: 8